

Becoming a Person of Sufficient Interest For Saskatchewan Child Protection Proceedings

Person of Sufficient Interest

If you are a family member with a connection to an apprehended child, (e.g. grandparent, aunt/uncle, etc.) and you want to be involved in court proceedings, and/or care for the child, you can ask a judge to decide whether you would be considered a person of sufficient interest (PSI), so that you can get information about what is happening to the child.

First, you should speak to the child protection worker. Explain who you are and why you want to have the child in your care. The worker is responsible for making a case plan with the child's parents and caregiver. The worker may help you in making the application to the court to become a PSI.

Application for Designation as a PSI

Section 23 of *The Child & Family Services Act* allows the court to designate a PSI. A PSI is entitled to receive information about the court proceedings. This does not automatically mean the child will come to live with you.

Typically, in Provincial Court, a PSI application can be made orally in court. You should be prepared to tell the judge your name, personal and employment circumstances, living and family situation, the specific details about your relationship with the child, your understanding of the child's needs and your ability to meet those needs, and your proposed plan to take care of the child.

However, some judges may request that you apply in writing. This is more common in the Court of King's Bench. If you need to apply in writing, there is a self-help kit to help you apply. Contact the Family Law Information Centre to get a copy of this kit.

If you have any questions, contact:

Family Law Information Centre

1-888-218-2822 (ext. 2) or 306-787-5837

familylaw@gov.sk.ca

In making a decision, the court will consider the best interests of the child. The court may make a decision whether to designate you as a PSI right away, or they may make a decision within a few days.

If you are designated a PSI, you are entitled to receive disclosure. This is the information outlining the Ministry of Social Services (MSS) or First Nations Agency (Agency) concerns about a child, recommendations for the family, and the evidence relied upon in court. The designation also allows the PSI to participate in the court proceedings.

Becoming a Placement or Caregiver

Once you make a PSI placement or caregiver application, it is likely that a home study will be needed – which may involve the protection worker asking you some questions and gathering information about whether your home is suitable for the child. The court application may need to be adjourned in order for the home study to be completed. The home study helps both MSS or the Agency AND the court to determine whether it is appropriate for you to be the child’s caregiver.

If MSS or the Agency agree that you should be a PSI, the court will usually make a PSI order under Section 37 of *the Child and Family Services Act*. This PSI order means the court agrees the child should be placed in your care, either on a short-term or long-term basis.

An Order begins when it is granted by the court. It does not begin the day a child is apprehended. This means it is important to move forward through the court process as efficiently as possible. Like any other court order, the parties must comply with its terms and conditions.

Do I Need a Lawyer?

You can go to court without a lawyer. However, you will be treated the same as a person who has a lawyer, if you are choosing to represent yourself.

If you would like a lawyer to represent you but you have low or no income, you may qualify for Legal Aid. Consult your telephone book for Saskatchewan Legal Aid Commission office nearest you, or apply online here:

<https://legalaid.sk.ca/apply/>

Even if you do not qualify for Legal Aid, you may still qualify for Pro Bono Legal Services. To apply, call 1-855-833-7257.

If you are not eligible for Legal Aid, you may qualify to apply for Court Appointed Counsel. You may ask the Local Registrar’s Office for information to make a request for court appointed counsel.

Even if you decide not to hire a lawyer to represent you in court, it is still a good idea to consult a lawyer. A lawyer can advise you about the law, help you evaluate your chances of success and tell you what the cost would be if you decided to hire a lawyer. This lawyer will likely charge you for their advice.

Can my child get a lawyer?

Upon request from any person who thinks a child should have a lawyer, the Counsel for Children (CFC) can appoint a lawyer to ensure the child’s or youth’s voice is heard in child protection proceedings. A request for an appointment of a lawyer for a child or youth can be accessed at

<https://www.saskatchewan.ca/residents/justice-crime-and-the-law/courts-and-sentencing/counsel-for-children>.

Either you or your child can contact CFC at:
1-877-787-5424.

To speak with an Aboriginal Family Law Court Worker who attends Child Protection Matters in Regina/Saskatoon/Prince Albert/North Battleford/Fort Qu’Appelle/Yorkton
PLEASE CALL 1-800-514-5666